



# ERIE COUNTY COMPTROLLER

## HON. STEFAN I. MYCHAJLIW

May 26, 2020

Hon. Andrew M. Cuomo  
Governor of New York State  
NYS State Capitol Building  
Albany, New York 12224

Dear Governor Cuomo,

As portions of Erie County begin to re-open following the coronavirus pandemic, I write to ask questions on why there isn't a full resumption of elective surgeries for all Erie County hospitals, regardless of waivers or special permissions from New York State to fully resume.

As you are aware, Erie County has a highly respected health care system that strives to meet the physical needs of the nearly one million residents of our county, in addition to many surrounding counties, as well.

We are pleased to learn that the number of new COVID cases continues to decline. Hospitals are no longer overburdened with the demands of treating Coronavirus patients. It is my understanding that the criteria for reopening, and for our health care system to resume elective surgeries, in part requires hospitals to maintain 30% of beds available in case we see another uptick in coronavirus cases. Given the decrease in COVID cases, hospitals in Erie County are well positioned to meet that criteria.

I would also note the number of hospitalizations is down considerably from its peak, to its lowest level of 149 patients. In fact, on May 24<sup>th</sup> there were just 6 new admissions for COVID-19, and the number of patients in the ICU in all of Erie County on that date was 37. The number of ventilators assisted patients was down to its lowest level since the start of this pandemic, and there were no deaths. Governor Cuomo, this data was culled from your own press briefings.

These numbers indicate Erie County flattened the curve. This region has made significant positive steps forward in dealing with this health care crisis. According to the latest data, Erie County appears ready for the next phases of re-opening, including allowing all hospitals to resume elective surgeries. However, that has not yet happened. As such I am asking for some clarity regarding state policies for allowing hospitals to engage in elective surgeries without restrictions.

One month ago, you had asked hospitals that were not at capacity dealing with COVID, and other life-threatening illnesses, to apply for waivers to begin elective surgeries. I am asking for you to provide me information on the following:

- Given the data showing Erie County's current number of COVID-19 cases and Phase 2 beginning next week Tuesday (June 2<sup>nd</sup>, 2020), why aren't elective surgeries allowed right now at all Erie County hospitals?
- Did the New York State Department of Health approve waivers for all hospitals within Erie County? If so, are there any hospitals in Erie County that still cannot engage in elective surgeries even though they may have been approved by the NYSDOH?
- If professional sports teams are allowed to resume training, why can't all Erie County hospitals be allowed to immediately resume elective surgeries?
- You had mentioned nearly two weeks ago that Westchester and Suffolk Counties could reopen for elective surgeries and ambulatory care because they are past the period of dealing basically with COVID patients. Given the numbers in Erie County, don't hospitals here in Western New York now meet that same criteria?

While the phrase "elective surgeries" may imply the procedures, themselves are not mandatory or can wait, most are quite serious and necessary for the potential survival of patients. In many cases, these elective surgeries are not "optional." It is my understanding some elective surgeries are so serious and need to take place in a timely manner; they even help treat patients with cancer related conditions.

As you know, hospitals rely on elective surgeries to help meet their bottom line. Those procedures provide significant financial support to these facilities. Our Erie County hospital systems are so important to our community and our region. Many people have been waiting a significant length of time for the surgeries that will afford them greater quality of life. If the data supports it, I would strongly encourage the government lift all restrictions on elective surgeries in Erie County, without restrictions and without the request for any waiver from New York State.

Thank you very much for your prompt attention to this urgent matter.

Sincerely,



STEFAN I. MYCHAJLIW, JR.  
Erie County Comptroller